

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MATERIAL YARD WORKERS LOCAL
1175 LIUNA PENSION FUND, et al.,
Third-Party Plaintiffs,

NOT FOR PUBLICATION
ORDER

-against-

06 CV 2877 (CBA)

RONALD STRACI,
Third-Party Defendant.

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AMON, United States District Judge:

On September 11, 2008, Magistrate Judge Steven M. Gold issued a report and recommendation that this court enter an order dismissing third party plaintiffs' claims against third party defendant Straci without prejudice to third party plaintiffs' right to commence a state court action asserting those claims within 30 days. Any objections to the R&R were due within 10 days of its receipt by defendants or on or before September 25, 2008. No objections have been filed. In reviewing a magistrate judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed the R&R and found no clear error.

Accordingly, Magistrate Judge Gold's R&R is adopted as the opinion of this court. The third party plaintiffs' claims against third party defendant Straci are dismissed without prejudice to third party plaintiffs' right to commence a state court action asserting those claims within 30 days.

SO ORDERED.

Dated: Brooklyn, New York
December 9, 2008

Carol Bagley Amon
United States District Judge